REMARKS

Reconsideration is respectfully requested.

Claims 1-5 and 19-21 are currently pending and at issue. Claim 1 has been amended to clarify that the maximum number of rings for substituent B is two rings. Support for this amendment is on page 5, lines 21-25 of the specification. Claim 3 has been amended to remove compounds that are no longer encompassed by the generic formula. Claim 21 has been amended to incorporate the compounds deleted from newly amended claim 3. A version of the amended claims, with markings to show the inserted and deleted text is included at the end of this amendment (Appendix 1). No new matter has been added by the proposed amendments. Entry of this amendment is respectfully requested as it is believed to place the present claims in condition for allowance.

Rejection under 112, second paragraph

Claims 1, 2, 4 and 5 are rejected as being indefinite for failing to point out and distinctly claim the subject matter. The Examiner contends that the nature of the hetero ring systems at B is unclear and that the number of rings in the ring system is non-limiting. Reconsideration is respectfully requested.

Claim 1 has been amended to state that B can be an optionally substituted phenyl, where two of the substituents may be joined to form a secondary ring system which is fused to the phenyl ring. Therefore, the maximum number of rings is two rings. Support for this amendment is on page 5, lines 21-25 of the specification and in Examples 2 and 16. In view of this amendment, Applicants respectfully request that the rejection be withdrawn.

Rejection under 112, first paragraph

Claims 1, 2, 4 and 5 are rejected for containing matter which is not described in the specification in such as way as to enable one to make and/or use the invention. The Examiner contends that the newly amended B terminology lacks descriptive support. Applicants respectfully request reconsideration.

Applicants have amended claim 1 to state that when the phenyl ring is substituted with two members of the group, the substituents may be connected together to form a ring fused to the phenyl. Support for this amendment is on page 5, lines 21-25 of the specification. Support also can be found in Examples 2 and 16, which described an indole and a dioxane moiety fused to the phenyl ring. In view of this amendment, Applicants request that the rejection be withdrawn.

Rejection under 103(a)

Claim 21 remains rejected as obvious in view of Ward. The Examiner contends that the second species in the claim is an obvious variant for reasons of record.

In response to the Examiner's contention, Applicants have deleted the second species from claim 21. Accordingly, Applicants request that the rejection be withdrawn.

Claims 1, 2, 4 and 5 are rejected as obvious in view of Plilai and van der Stelt. The Examiner contends that compounds are obvious variants of the compounds taught by Plilai. The Examiner alleges that it would have been obvious to one of ordinary skill in the art that the

methylated compounds would possess the use taught by the art, due to structural similarity. The Examiner further contends that the method of producing methylated compounds is taught by van der Stelt. Applicants request reconsideration.

Applicants have amended the claim so that when Y is a methyl and each of Ar and Ar' are a optionally substituted phenyl wherein the optional substitution is methyl, the B substituent cannot be an unsubstituted phenyl. This amendment addresses the Examiner's contention that the compound is obvious over Plilai in view of Van der Stelt. Accordingly, Applicants request withdrawal of the rejection.

CONCLUSIONS

In view of the above amendments and arguments, Applicants believe that the application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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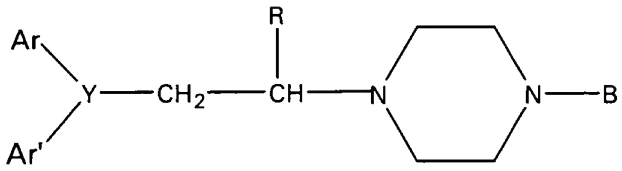
APPENDIX 1

VERSION WITH MARKINGS TO SHOW CHANGES IN AMENDED CLAIM

1.(Amended) A compound of the formula



wherein

each of Ar and Ar′ is independently chosen from a group consisting of phenyl and pyridyl each optionally substituted by one or more members from the group consisting of alkyl, alkoxy, cyano, nitro, amino, alkylsulfonylamino, or alkylamino;

Y is chosen from the group consisting of a nitrogen atom, a CH, C-OH, C-CN, or a C-$CONH_2$ group;

R is a hydrogen atom or a lower alkyl group;

B is phenyl, optionally substituted by one or more members selected from the group consisting of alkyl, alkoxy, halogen, cyano, nitro, amino, alkylsulfonylamino, and alkylamino, [unsaturated five-member ring systems wherein at least one carbon atom is substituted with a nitrogen, and saturated six-member ring systems wherein at least one carbon is substituted with an oxygen,]; wherein when the phenyl ring is substituted with two members of the group, the substituents may be connected together to form a ring fused to the phenyl with the provisos that

1) when B is methoxyphenyl and Y is any of [C-OH], C-CN, and C-$CONH_2$ then Ar and Ar′ are not simultaneously unsubstituted phenyl;

2) when Y equal CH [or COH], Ar and Ar' cannot both be [equal] optionally substituted pyridyl;

3) when Y equal CH [or COH] and one of Ar [or] and Ar' equal optionally substituted phenyl, the other of Ar' [or] and Ar cannot equal optionally substituted pyridyl; and

4) when Y = CH and each of Ar and Ar' are optionally substituted phenyl wherein said substitution is methyl, then B cannot be unsubstituted phenyl,

and enantiomers, diastereomers, N-oxides crystalline forms, hydrates and pharmaceutically acceptable salts thereof.

3. (Amended) A compound of claim 1 selected from the group consisting of:

1-(3,3-diphenylpropyl)-4-(2-methoxyphenyl)piperazine;

1-(3,3-diphenylpropyl)-4-[5-(2,3-dihydro-1,4-benzodioxinyl)]piperazine;

1-[3,3-*bis*-(4-nitrophenyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-[3,3-*bis*-(4-methoxyphenyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-[*N*-*N*-*bis*-(2-pyridyl)-2-aminoethyl]-4-(2-methoxyphenyl)piperazine;

[1-[3-cyano-3,3-*bis*-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-[3-cyano-3-phenyl-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;]

1-[3-aminocarbonyl-3-phenyl-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

[1-[*N*-(2-nitrophenyl)-*N*-(2-pyridyl)-2-aminoethyl]-4-(2-methoxyphenyl)piperazine;]

1-[3-cyano-3-(2-nitrophenyl)-3-phenylpropyl]-4-(2-methoxyphenyl)piperazine;

1-[3-aminocarbonyl-3-(2-nitrophenyl)-3-phenylpropyl]-4-(2-methoxyphenyl)piperazine;

1-[3-cyano-3-(2-nitrophenyl)-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-[3-aminocarbonyl-3-(2-nitrophenyl)-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)-piperazine;

and enantiomers, N-oxides, hydrates, and pharmaceutically acceptable salts thereof.

21. (Amended) A compound selected from the group consisting of

1-[3,3-bis-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

[1-[3-phenyl-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;]

1-[3-hydroxy-3,3-bis-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-(4-1H-indolyl)-4-[3,3-bis-(2-pyridyl)propyl]piperazine[.];

1-[3-cyano-3,3-bis-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine;

1-[3-cyano-3-phenyl-3-(2-pyridyl)propyl]-4-(2-methoxyphenyl)piperazine; and

1-[N-(2-nitrophenyl)-N-(2-pyridyl)-2-aminoethyl]-4-(2-methoxyphenyl)piperazine.